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**SOAH DOCKET NO. 473-18-2879.WS
PUC DOCKET NO. 47998**

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PUC-STATE OFFICE

**RATEPAYERS' APPEAL OF THE
DECISION BY GALVESTON COUNTY
MUNICIPAL UTILITY DISTRICT
NO. 12 TO CHANGE RATES**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 1
FILING DESCRIPTION, ORDERING SUBMISSION OF PROCEDURAL SCHEDULE,
AND PROCEDURES**

I. FILING DESCRIPTION

On January 1, 2018, 207 ratepayers (Ratepayers) represented by Omega Bay Improvement Committee filed a petition appealing the decision of the Galveston County Municipal Utility District No. 12 (MUD) to increase water and wastewater rates. The MUD announced the rate increase in a letter dated December 22, 2017, with an effective date starting with the December 2017 invoice. The Ratepayers represent at least 10 percent of those ratepayers whose rates have been changed and are therefore eligible to appeal the change to the Public Utility Commission of Texas (Commission), which has jurisdiction to hear the appeal and set the rates, under Texas Water Code § 13.043.

The Commission issued an Order of Referral on March 26, 2018, referring the case to the State Office of Administrative Hearings for assignment of an Administrative Law Judge (ALJ) to conduct a hearing. The Commission will consider and possibly adopt a preliminary order in the open meeting currently scheduled to convene on April 27, 2018.

II. ORDERING SUBMISSION OF PROCEDURAL SCHEDULE

The parties shall confer and submit a procedural schedule that will apply in this case no later than **April 30, 2018**. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates for the hearing on the

merits. If the parties are unable to agree to a procedural schedule, they may file a request for a prehearing conference.

III. PROCEDURES

A. Filing Procedures

Parties are expected to know how to file documents. The rules setting out how to file documents are found in Subchapter E of the Commission's procedural rules, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.¹ Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties wishing to hand-deliver a file-stamped copy of a pleading to the ALJ should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th St., Austin, Texas.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. A copy of the service list, listing all parties, is attached to this order for the parties' convenience. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

¹ For those parties who may not be familiar with the Commission's processes, all PUC filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov>. Once there, click on "Filings," then click on "Filings Search," then click on "Filings Search," again. Then type in the control number, "47006," and click on "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

All mail sent to the parties by the ALJ will be sent by first class mail or by fax. However, SOAH has implemented service by email for proposals for decision, orders, and other case-related documents and communications in general docket cases. If you would like to receive service by email from SOAH, please go to SOAH's website, www.soah.state.tx.us, for information and the form to request email service. Click on the "Request Service by Email" link in the Notices box.

C. Motions

Motions for continuance shall be governed by 16 Texas Administrative Code § 22.79. If a continuance or extension of time is sought, the motion shall propose a new date or dates and shall indicate whether the other parties agree to the new date or dates. Because the ALJ or a hearing room may not be available on a given day, a proposed range of dates would be preferable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

D. Other Procedural Matters

Any matters not addressed by this order shall be governed by the procedural rules of the Commission, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

SIGNED April 2, 2018.



**JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**